

REMARKS/ARGUMENTS**Claim Rejections****35 USC 103(a)**

Examiner has rejected all of Applicant's outstanding Claims under DeTitta in view of Carroll. In rejecting Applicant's claims, Examiner has stated

Although having two options ("0" and "1") meet the claimed limitation of "a plurality of options", for further emphasis, the Examiner cites the teachings of Carroll explicitly indicating five options 0-4.

In response, Applicant has amended Claim 1 to so that it is limited by:

... said at least one computer is programmed to classify said plurality of microscopic crystals by:

1. comparing said images to a database stored on said at least one computer, and
2. assigning a classification based on said comparison by:
 - a. automatically making a first determination if said image is clear, and
 - b. automatically making a second determination if said image is not clear, wherein said second determination is automatically chosen from a plurality of options, wherein said plurality of options comprises:
 1. at least one option corresponding to what is present if said microscopic crystal does not exist, and
 2. at least one option corresponding to what is present if said microscopic crystal does exist.

As Examiner has noted, DeTitta has two total options: "0" if nothing happened and "1" if something happened. In DeTitta, if the image is not clear then a "1" is always returned to indicate "something happened". Applicant's device is much more sophisticated and useful as an analysis tool. Applicant's device will automatically classify the images in accordance with Table 1 and Table 2 (page 17). It should be noted that instead of just one choice of "1" (as in DeTitta) in Applicant's device if something happened there is a plurality of options from which to choose. For example, Table 1 shows choices 1 - 9 if a microscopic crystal does not exist and Table 2 shows choices 9.0 - 9.9 if a microscopic crystal exists. In DeTitta there is not a plurality of options if the image is not clear, there is just one option: "1" to indicate something happened.

Carroll

In rejecting Applicant's claims, Examiner has also cited Carroll stating the Carroll shows five options 0-4 (page 7, paragraph 0051). Applicant submits that Carroll is an improper reference. Although Carroll's table 2 shows five options 0-4, these five options are visual scores assigned by a human being during visual examination. Applicant's claims are limited to automatic classification done by a computer. The words "computer" and "automatic" or "automated" are never even mentioned in Carroll. Automatic analysis and classification is of microscopic crystals is clearly never contemplated by Carroll.

Moreover, Carroll does not show "at least one option corresponding to what is present if said microscopic crystal does not exist" and "at least one option corresponding to what is present if said microscopic crystal does exist".

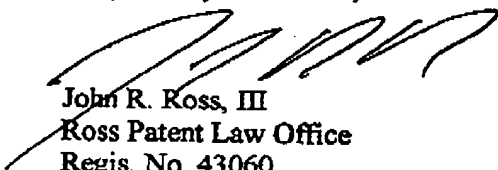
Applicant is not claiming that he invented the method shown in Carroll. However, Applicant respectfully submits that his device as claimed is the first to be utilized for automatic verification, inspection and classification of microscopic crystals.

Independent Claims 13, 30, 42 and 43 have also been amended to have limitations similar to the limitations in Claim 1. Therefore, Claims 13, 30, 42 and 43 should also be allowable. All other claims are dependent on the amended independent claims and should therefore likewise be allowable.

CONCLUSION

Thus, for all the reasons given above, this application, as the claims are presently limited, define a novel, patentable, and truly valuable invention. Hence allowance of this application is respectfully submitted to be proper and is respectfully solicited.

Respectfully Submitted,



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